



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/748,933

12/30/2003

David J. Parins

1001.1676101

1930

28075 7590 02/11/2008
CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

EXAMINER

TOWA, RENE T

ART UNIT

PAPER NUMBER

3736

MAIL DATE

DELIVERY MODE

02/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/748,933	Applicant(s) PARINS ET AL.	
	Examiner RENE TOWA	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July 30 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15,17-54 and 59-62 is/are pending in the application.
- 4a) Of the above claim(s) 23-54,61 and 62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-15,17-22,59 and 60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to an amendment filed July 30, 2007. Claims 1, 3-15, 17-54 & 59-62 are pending. Claims 2, 16 & 55-58 have been cancelled. Claims 23-54 & 61-62 have been withdrawn. No new claim has been added. Claims 1 and 14 had previously been amended.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. **Claims 1, 3, 5, 12-13 & 59-60** are rejected under 35 U.S.C. 102(b) as being anticipated by Bonello et al. (US 4,732,163).

In regards to **claim 1**, Bonello et al. discloses a guidewire, comprising:

a core member 1 having a proximal end and a distal end;

a tubular member 3 having a proximal end and a distal end, the tubular member 3 disposed about and connected to the distal end of the core member 1, the distal end of the tubular member 3 extending distally beyond the distal end of the core member 1; and

a coil member 2 connected to the tubular member 3;

wherein the coil member 2 includes a distal end and a proximal end, and wherein the distal end of the coil member 2 extends distally beyond the distal end of the tubular member 3 (see figs. 1-2).

In regards to **claim 3**, Bonello et al. discloses a guidewire wherein the proximal end of the coil member 2 is positioned distal of the distal end of the core member 1 (see figs. 1-2).

In regards to **claim 5**, Bonello et al. discloses a guidewire wherein the proximal end of the coil member 2 fits over the distal end of the tubular member 3 (see figs. 1-2).

In regards to **claim 12**, Bonello et al. discloses a guidewire wherein the tubular member 3 has a hemispherical cross section (see figs. 1-2).

In regards to **claim 13**, Bonello et al. discloses a guidewire wherein the tubular member 3 has a circular cross section (see figs. 1-2).

In regards to **claim 59**, Bonello et al. discloses a medical device comprising:
an elongated shaft 1 including a proximal portion having a proximal end and a distal portion having a distal end; and
a distal assembly (2, 3) including a tubular member 3 and a wire 2 connected to and extending distally of the tubular member 3;
wherein the distal assembly (2, 3) is connected to the distal portion of the elongated shaft 1 such that a portion of the distal assembly (2, 3) extends distally beyond the distal end of the elongated shaft 1 (see figs. 1-2).

In regards to **claim 60**, Bonello et al. discloses a medical device wherein the ribbon or wire is a coiled wire 2 (see figs. 1-2).

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. **Claims 6-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonello et al. (US 4,732,163) in view of Richardson et al. (US 6,673,025).

Bonello et al. disclose a guidewire, as described above, that fails to explicitly teach a polymer sheath.

However, Richardson et al. discloses a guidewire comprising a polymer sheath 127 disposed over all of the core member 141 (see fig. 17; col. 14, lines 42-67; col. 15, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a guidewire similar to that of Bonello et al. With a polymer sheath similar to that of Richardson et al. in order to increase the lubricity of the guidewire and/or achieve a guidewire that provides therapeutic, diagnostic or hydrophilic agent.

6. **Claims 4, 14-15, 17 & 21-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonello et al. (US 4,732,163) in view of Mortier et al. (US 5,372,144).

In regards to **claim 14**, Bonello et al. discloses a guidewire comprising:

a core member 1 including a proximal portion having a proximal end and a distal portion having a distal end; and

a distal assembly (2, 3) including a tubular member **3 having an outer surface adapted for connection to the distal portion of the core member 1**, and an outer surface, and a coil member 2 connected to the tubular member 3;

wherein the distal assembly (2, 3) is connected to the distal portion of the core member 1 such that a portion of the distal assembly extends distally beyond the distal end of the core member 1 (see figs. 1-2).

In regards to **claim 15**, Bonello et al. discloses a guidewire wherein the distal assembly is connected to the distal portion of the core member 1 such that a portion of the tubular member 3 extends distally beyond the distal end of the core member 1 (see figs. 1-2).

In regards to **claim 17**, Bonello et al. discloses a guidewire further including a polymer sheath disposed about the coil member 2, the tubular member 3, and at least a portion of the core member 1 (see figs. 1-2).

In regards to **claim 21**, Bonello et al. discloses a guidewire wherein the tubular member 3 has a hemispherical cross section (see figs. 1-2).

In regards to **claim 22**, Bonello et al. discloses a guidewire wherein the tubular member 3 has a circular cross section (see figs. 1-2).

Bonello et al. disclose a guidewire, as described above, that fails to explicitly teach a tubular member that fits over the distal end of the core member.

However, Mortier et al. discloses a guidewire wherein the proximal end of the tubular member 62 fits over the distal end of a correspondingly inner member 16 (see figs. 5-6).

In regards to **claims 4 & 14**, It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to modify a guidewire similar to that of Bonello et al. to include a tubular member that fits over the distal end of another member similar to that of Mortier et al. in order to externally fix the tubular member to the correspondingly internal member.

7. **Claim 8 is** rejected under 35 U.S.C. 103(a) as being unpatentable over Bonello et al. ('163) in view of Palmer et al. (US 6,544,231).

Bonello et al. discloses a guidewire, as described above, that fails to teach the process of laser welding or soldering.

However, Palmer et al. disclose a medical instrument wherein a coil is bonded to a metallic tubular structure through laser welding (see column 4/lines 16-18).

Since it is known to provide metallic tubular and core members, it would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a connected apparatus similar to that of Bonello et al. with a connecting process similar to that of Palmer et al. in order to tightly fuse metal elements together.

8. **Claims 9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonello et al. ('163) in view of Cook et al. (US 5,213,111).

Bonello et al. discloses a guidewire, as described above, that fails to teach connecting the tubular member through crimping.

However, Cook et al. disclose a guidewire wherein a coil member 2 is connected to a core member through crimping (see column 3/lines 13-16).

It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a guidewire similar to that of Bonello et al. with a connecting process similar to that of Cook et al. in order to hold the elements together in a friction-fit fashion.

9. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Bonello et al. ('163) in view of Cook et al. ('111) further in view of Palmer et al. (US 6,544,231).

Bonello et al. as modified by Cook et al., above, discloses a guidewire, as described above, that fails to teach the process of laser welding or soldering.

However, Palmer et al. disclose a medical instrument wherein a coil is bonded to a metallic tubular structure through laser welding (see column 4/lines 16-18).

Since it is known to provide metallic tubular and core members, it would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide

Art Unit: 3735

a connected apparatus similar to that of Bonello et al. as modified by Cook et al., above, with a connecting process similar to that of Palmer et al. in order to tightly fuse metal elements together.

10. **Claims 18 & 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonello et al. ('163) in view of Mortier et al. ('144) further in view of Palmer et al. (US 6,544,231).

Bonello et al. as modified by Mortier et al., above, discloses a guidewire, as described above, that fails to teach the process of laser welding or soldering.

However, Palmer et al. disclose a medical instrument wherein a coil is bonded to a metallic tubular structure through laser welding (see column 4/lines 16-18).

Since it is known to provide metallic tubular and core members, it would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a connected apparatus similar to that of Bonello et al. as modified by Mortier et al., above, with a connecting process similar to that of Palmer et al. in order to tightly fuse metal elements together.

11. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Bonello et al. ('163) in view of Mortier et al. ('144) further in view of Cook et al. (US 5,213,111).

Bonello et al. as modified by Mortier et al. discloses a guidewire, as described above, that fails to teach connecting the tubular member through crimping.

However, Cook et al. disclose a guidewire wherein a coil member 2 is connected to a core member through crimping (see column 3/lines 13-16).

It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a guidewire similar to that of Bonello et al. as modified by

Mortier et al. with a connecting process similar to that of Cook et al. in order to hold the elements together in a friction-fit fashion.

Response to Arguments

12. Applicant's arguments filed July 30, 2007 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RENE TOWA whose telephone number is (571)272-8758. The examiner can normally be reached on M-F, 8:00-16:30.

Art Unit: 3735

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Charles A. Marmor, II/
Supervisory Patent Examiner
Art Unit 3735

/RTT/